

UNITED STATES OF AMERICA : **CRIMINAL NO:** _____

v. : **DATE FILED:** _____

VAHAG HAYRAPETYAN : **VIOLATIONS:**

: **18 U.S.C. § 371 (conspiracy – 1 count)**

: **18 U.S.C. § 1344 (bank fraud – 1 count)**

: **18 U.S.C. § 2 (aiding and abetting)**

COUNT ONE

1. At all times relevant to this indictment, Wachovia Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation.

VAHAG HAYRAPETYAN

MANNER AND MEANS

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It was further part of the scheme that:

4. Defendant VAHAG HAYRAPETYAN and A.G. “cloned” defendant VAHAG HAYRAPETYAN’s debit card so that A.G. could use the “clone” to make purchases on defendant VAHAG HAYRAPETYAN’s account.

5. Defendant VAHAG HAYRAPETYAN claimed to Wachovia Bank that these withdrawals were unauthorized.

6. Defendant VAHAG HAYRAPETAN then successfully demanded that he be refunded the money withdrawn. When the bank refunded the money, defendant VAHAG HAYRAPETYAN withdrew the fraudulently obtained cash from the bank.

OVERT ACTS

1. In or about November 2006, defendant VAHAG HAYRAPETYAN and A.G. agreed to defraud Wachovia Bank.

2. In or about November 2006, defendant VAHAG HAYRAPETYAN agreed to allow A.G. to “clone” defendant VAHAG HAYRPATEYAN’s Wachovia debit card so that A.G. could conduct multiple transactions on the card.

3. On or about the following dates, A.G., with the permission and knowledge of defendant VAHAG HAYRAPETYAN, used the “cloned” debit card at the following locations and withdrew the following amounts from Automated Teller Machines (ATMs):

DATE	LOCATION	AMOUNT
November 4, 2006	Wilmington, DE	\$800
November 5, 2006	Wilmington, DE	\$800
November 6, 2006	Brooklyn, NY	\$800
November 7, 2006	Devon, PA	\$800

November 10, 2006	West Chester, PA	\$800
November 12, 2006	Wayne, PA	\$800
November 13, 2006	West Chester, PA	\$800
November 14, 2006	West Chester, PA	\$800
November 15, 2006	West Chester, PA	\$800
November 16, 2006	West Chester, PA	\$800
November 17, 2006	West Chester, PA	\$800
November 19, 2006	North Hollywood, CA	\$800
November 20, 2006	Burbank, CA	\$800

4. On or about November 24, 2006, as previously planned with A.G., defendant VAHAG HAYRAPETYAN reported to Wachovia Bank that the abovementioned withdrawals were unauthorized. The bank then refunded the claimed money to defendant VAHAG HAYRAPETYAN's account.

5. On or about November 27, 2006, defendant VAHAG HAYRAPETYAN made a counter withdrawal of \$10,000 from the refunded money in his account.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

- _____ 1. Paragraphs 1, and 3 through 6, and overt acts 1 through 5 of Count One are incorporated here.
2. From on or about November 4, 2006 through on or about November 27, 2006, in the Eastern District of Pennsylvania, and elsewhere, defendant

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knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud Wachovia Bank, and to obtain approximately \$11,210 in monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant VAHAG HAYRAPETYAN, along with his co-conspirator, A.G., known to the grand jury, used a cloned Wachovia debit card to withdraw approximately \$11,210 from defendant VAHAG HAYRAPETYAN's account.
4. Defendant VAHAG HAYRAPETYAN then falsely told the bank that these transactions were unauthorized in order to successfully obtain a refund from the bank.
5. Defendant VAHAG HAYRAPETYAN then withdrew \$10,000 of the refunded cash from the bank.

In violation of Title 18, United States Code, Sections 1344 and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1344 and 371 charged in this indictment, defendant

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shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds obtained directly or indirectly as a result of such violations, including but not limited to the sum of \$11,210 in United States currency

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any property of either of the defendants up to the value of said property listed above as being subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2)(B).

A TRUE BILL:

GRAND JURY FOREPERSON

**MICHAEL L. LEVY
UNITED STATES ATTORNEY**